

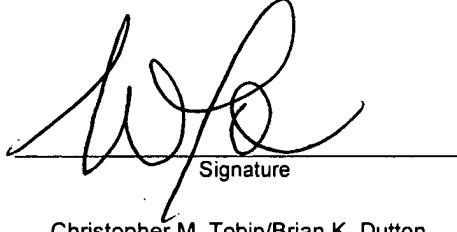


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2965	
		Application Number 10/813,215-Conf. #3882	Filed March 31, 2004
		First Named Inventor Takashi Furukawa et al.	
		Art Unit 2621	Examiner H. Q. Dang
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p>		 <p>Signature</p> <p>Christopher M. Tobin/Brian K. Dutton</p> <p>Typed or printed name</p>	
<p>Registration number <u>40,290/47,255</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p>		<p>(202) 955-3750</p> <p>Telephone number</p> <p><u>February 16, 2010</u></p> <p>Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: SON-2965
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi Furukawa, et al.

Application No.: 10/813,215

Confirmation No.: 3882

Filed: March 31, 2004

Art Unit: 2621

For: **REPRODUCING DEVICE AND METHOD,
RECORDING MEDIUM AND PROGRAM**

Examiner: H. Q. Dang

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This SECOND Request For Pre-Appeal Brief Panel Review Of Rejection is filed as a reply to the Final Office Action of November 13, 2009.

The FIRST Notice of Panel Decision from Pre-Appeal Brief Review mailed on August 14, 2008 advises that the rejection of February 8, 2008 has been withdrawn and prosecution reopened as a reply to the first Pre-Appeal Brief Request for Review of June 9, 2008.

I. Rejection of claims 18 and 23-45 under 35 U.S.C. §103 (page 3 of the Office Action)

A. *Either individually or as a whole, Mishima and Suzuki fail to disclose, teach, or suggest:*

- 1. A reproduction device wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.*

2. A method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.

B. Claim 18

Claim 18 is drawn to a device *wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.*

1. U.S. Patent No. 6,009,236 (Mishima) fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

Here, the Office Action readily admits that Mishima fails to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

2. U.S. Patent No. 7,058,280 (Suzuki) fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

Suzuki arguably discloses that at the time of search reproduction, the data is continuously read out from the magneto-optical disc 113 (Suzuki at column 7, lines 4-7).

Suzuki arguably discloses the following at column 6, lines 39-50:

The image data thus decoded by the decoding circuit 204 is stored in the memory 205. When the data is output from the memory 205, the order thereof is changed.

That is, at the time of normal reproduction, the CPU 122 rearranges, in the order shown by reference numeral 301 in FIG. 3, the reproduced data decoded in the order indicated by reference numeral 302 in FIG. 3 and stored in the memory 205, and outputs the rearranged data. Thus, the order of reproduced image data is changed by using the memory 205 and, accordingly, the memory 205 is capable of storing several frames (ten frames in this embodiment) of decoded image data.

Here, Suzuki at column 6, lines 39-50 *fails* to show that the alleged “*rearrangement*” and “*a calculation for the acceleration and deceleration*” are one in the same.

Moreover, Suzuki *fails* to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

C. Claims 23-31 and 33

Claim 23 is drawn to a device *wherein, at a transition from said normal playback to said high-speed playback, an acceleration in accordance with time required to read out and decode said low resolution data is calculated so as to perform acceleration at said calculated acceleration.*

- 1. Mishima *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.**

Here, the Office Action *readily admits* that Mishima *fails* to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

- 2. Suzuki *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.**

As shown hereinabove, Suzuki *fails* to show that the alleged “*rearrangement*” and “*a calculation for the acceleration and deceleration*” are one in the same.

Moreover, Suzuki *fails* to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

D. Claims 34-42 and 44

Claim 34 is drawn to a method that includes the step of *calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.*

1. Mishima fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

Here, the Office Action readily admits that Mishima fails to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

2. Suzuki fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

As shown hereinabove, Suzuki fails to show that the alleged “*rearrangement*” and “*a calculation for the acceleration and deceleration*” are one in the same.

Moreover, Suzuki fails to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

E. Claim 45

Claim 45 is drawn to a method that includes the step of *calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback*.

1. Mishima fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

Mishima arguably discloses that *further, since the address of divided data is recorded as header information and the number of bytes that should be played back is instantly detected at the time of the playback, the jump of the optical head at the time of the special playback can be efficiently performed* (Mishima at column 16, line 64 to column 17, line 1).

However, the Office Action readily admits that Mishima fails to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

2. Suzuki fails to disclose, teach or suggest a calculation for the acceleration and deceleration.

As shown hereinabove, Suzuki fails to show that the alleged “*rearrangement*” and “*a calculation for the acceleration and deceleration*” are one in the same.

Moreover, Suzuki fails to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

F. Thus, Mishima and Suzuki fail to disclose, teach, or suggest:

- 1. A reproduction device wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.**
- 2. A method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.**

Dated: February 16, 2010

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